IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1466 (S/S) of 2004

Tula Ram,
son of Sri Reva Ram,
aged about 46 years,
Working as Assistant Teacher
in Junior High School, Kaunta,
District Nainital. .....Petitioner.

Versus

Joint Director of Education,
Kumaun Mandal,
Nainital. ...Opposite Party

Hon'ble M.M. Ghildiyal, J

Heard Sri S.S. Yadav, learned counsel for the petitioner and learned Standing Counsel for the respondent.

Learned counsel for both the parties are agreed that the writ petition may be decided at its admission stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus directing the respondents to fix an early date to decide the option of the petitioner and to relieve the petitioner for district Udham Singh Nagar.

Prior to creation of district – Udham Singh Nagar petitioner was appointed as Assistant Teacher in Primary School in District – Nainital. In the year 1995 a new district namely Udham Singh Nagar was bifurcated from Nainital.

In the year 1997 options were invited from the petitioner to work either in Udham Singh Nagar or in Nainital. Petitioner has opted to work in District –

Udham Singh Nagar. However, no action has been taken by the respondent on the option made by the petitioner to work in Udham Singh Nagar.

Consequently, Petitioner along with other filed a writ petition no. 837 (SS) of 2004. In the said writ petition on 23.7.2004 this court disposed of the writ petition with a direction to respondents to decide the representations moved by the petitioners within four weeks from the date of receipt of certificate copy of this order.

The contention of the petitioner is that in compliance of the order passed by this court the Authority concerned fixed 17.8.2004 to appear before them. But on 17.8.2004 the petitioner could not appear before the Authority concerned as his mother was seriously ill. Thereafter, the petitioner made several representation before Authority concerned, however, no action has been taken by the Authorities.

Joint Director, Kumaon Mandal, is directed to fix a date as early as possible and decide the representation of the petitioner and the petitioner is directed to appear before the Joint Director, Kumaon Mandal, on the date fixed which no further opportunity shall be given to the petitioner.

With this observation the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

December 16, 2004
S.K.Sharma